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BY ECF

August 18, 2023

Hon. Lorna G. Schofield, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *Cypress Holdings, III, L.P. v. Hall, et al.*, Docket No. 22-cv-01243 (LGS)
Sport-BLX, Inc. v. Salerno, et al., Docket No. 22-cv-08111 (LGS)**

Dear Judge Schofield,

This firm represents Plaintiff Cypress Holdings, III, L.P. (“Cypress”) in the action entitled *Cypress Holdings, III, L.P. v. Hall, et al.*, Docket No. 22-cv-01243 (LGS) (the “Cypress Action”). This firm also represents Defendants Michael M. Salerno (“Mr. Salerno”) and Cypress (collectively, the “Cypress Parties”) in the related action entitled *Sport-BLX, Inc. v. Salerno, et al.*, Docket No. 22-cv-08111 (LGS) (the “Sport-BLX Action”) (collectively, with the Cypress Action, the “Actions”). On October 13, 2022, Your Honor ordered that the Actions be “coordinated for purposes of discovery.” (Cypress Docket, ECF No. 56; Sport-BLX Docket, ECF No. 11). We write in response to the August 18, 2023 letter filed by Sport-BLX, Inc., Sport-BLX Securities, Inc. Clinton Group, Inc., George Hall, Cesar Baez, and Christopher Johnson (collectively, the “Sport-BLX Parties”), wherein the Sport-BLX Parties request a pre-motion conference in anticipation of filing a motion to compel the Cypress Parties to provide discovery specifying their damages claims. (Cypress Docket, ECF No. 122; Sport-BLX Docket, ECF No. 61). More specifically, the Sport-BLX Parties ask this Court to compel the Cypress Parties to supplement their response to Interrogatory No. 13, the initial response to which was served on December 7, 2022.

The Sport-BLX Parties only first raised the issue of an alleged deficiency in the Cypress Parties’ response to Interrogatory No. 13 just two days ago, on August 16, 2023, when counsel for the Sport-BLX Parties e-mailed a letter to the undersigned demanding that, by August 17, 2023, just one day later, the Cypress Parties “advise [the Sport-BLX Parties] whether [the Cypress Parties] will provide” the requested information “without the need for [the Sport-BLX Parties to] mak[e] an application to the Court.” Had counsel for the Sport-BLX Parties allowed any reasonable period of time for the Cypress Parties to evaluate and consider the Sport-BLX Parties’ request, instead of imposing their own arbitrary one-day deadline to respond, or asked the Cypress Parties to meet-and-confer on this issue before filing their instant application, the Cypress Parties would have advised counsel, as we advise Your Honor now, that the Cypress Parties will provide the requested

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supplemental response to Interrogatory No. 13 and do so by August 25, 2023. Given the Cypress Parties' agreement to do so, we believe this issue can be addressed without the need for Court intervention.

Respectfully submitted,

/s/ A. Ross Pearlson

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Member